

### **REMARKS**

Claims 1-4, 24-29, 31, 32, 34-40, 42, 43, 45-51, 53, 54, 56 and 108-113, 115, 116, and 118 are pending. Claims 1-4, 27-29, 31, 38-40, 42, 49-51, 53, 111-113 and 115 have been amended. Claims 30, 33, 41, 44, 52, 55, 114 and 117 have been canceled without prejudice. Support for the claim amendments can be found in the specification and claims as originally filed. No new matter has been added.

Importantly, the claim amendments and cancellations are being made solely to claim more clearly the invention and to expedite the prosecution of the instant application. The Applicants expressly reserve the right to further prosecute the same or similar claims in subsequent patent applications claiming the benefit of priority to the instant application. 35 U.S.C. § 120; and 35 U.S.C. § 121.

Favorable consideration is respectfully requested in view of the foregoing amendments and following remarks.

### **Rejections Under 35 U.S.C. § 112, Second Paragraph**

Claims 27-29, 32-34, 38-40, 43-45, 49-51 and 54-56 stand rejected under 35 U.S.C. 112, first paragraph. The Examiner contends that the limitations “halophenyl” and “3-chlorophenyl” for moiety R<sup>3</sup> lacks sufficient antecedent basis in the base claim. The Applicants respectfully traverse.

Solely to expedite prosecution to allowance, the Applicants have amended claims 27, 38, 49, and 111 to replace “optionally substituted phenyl” with “aryl”. Additionally, the Applicants have amended the dependencies of the remaining claims. The Applicants respectfully contend that there is sufficient antecedent basis in the claims for “halophenyl” and “3-chlorophenyl” because the term “aryl” encompasses both unsubstituted and substituted ring systems. The specification states in Column 3, Paragraph [0036] that aryl groups “*can be substituted at one or more ring positions* with such substituents as described above, for example, halogen.” And, in Column 3, Paragraph [0039] “halogen” is defined as including “-F, -Cl, -Br, or -I.”

Notably, the term “3-chlorophenyl” appears in claims 33, 34, 55 and 117, which the Examiner has deemed contain allowable subject matter.

Based on the foregoing, the Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

**Rejections Under 35 U.S.C. § 103(a)**

Claims 1-4, 24-29, 32, 35-40, 43, 46-51, 54, 108-113, and 116 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aquila et al. (US 7,517,892; “the ‘892 patent”). The Applicants respectfully traverse. However, solely to expedite prosecution to allowance the Applicants have amended the claims to limit  $R^4$  to  $C(O)N(R^6)_2$ . The Examiner has indicated that the subject matter where  $R^4$  is  $C(O)N(R^6)_2$  is neither anticipated nor rendered obvious by the art of record.

Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection under 35 USC § 103(a).

**Objections Based On Dependence Upon A Rejected Base Claim**

Claims 30-31, 33-34, 41-42, 44-45, 52, 55-56, 114-115, 117 and 118 are objected to by the Examiner based on their dependence upon a rejected base claim. Applicants gratefully acknowledge the Examiner’s indication that the subject matter of the objected claims is novel and nonobvious in light of the art of record. The Applicants have amended claims 1-4 to limit  $R^4$  to  $C(O)N(R^6)_2$  as noted above, and canceled claims 30, 33, 41, 44, 52, 55, 114 and 117. Based on the claim amendments and cancellations presented herein, the Applicants respectfully contend that all of the pending claims are in condition for allowance.

**FEES**

The Applicants believe that they have provided for all of the required fees in connection with the filing of this Response. Nevertheless, the Commissioner is hereby authorized to charge any additional required fees to our Deposit Account, **No. 06-1448** reference **GUX-010.01**.

**CONCLUSION**

In view of the above remarks, it is believed that the pending claims are in condition for allowance. The Applicants respectfully request reconsideration and withdrawal of the pending rejections. The Applicants thank the Examiner for careful consideration of the present case. If a telephone conversation with the Applicants' Agent would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

Patent Group  
FOLEY HOAG LLP  
155 Seaport Boulevard  
Boston, MA 02210

617-832-1000  
617-832-7000 (FAX)

Respectfully submitted,  
FOLEY HOAG LLP

/Sharon M. Walker/  
Sharon M. Walker, Ph.D.  
Agent for Applicants  
Registration No. 44,719

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